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*Attorney for Plaintiff*

IN THE UNITED STATES DISTRICT COURT FOR THE  
 CENTRAL DISTRICT OF CALIFORNIA

INGENUITY13 LLC,

Plaintiff,

v.

JOHN DOE,

Defendant.

No. 2:12-cv-08331-ODW-JC

**PLAINTIFF'S NOTICE OF VOLUNTARY  
 DISMISSAL OF ACTION WITHOUT  
 PREJUDICE**

**NOTICE OF VOLUNTARY DISMISSAL OF ACTION WITHOUT PREJUDICE**

**NOTICE IS HEREBY GIVEN** that, pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff voluntarily dismisses this action in its entirety without prejudice. The Court before which the instant action presently sits has recently held that “[T]he Court is not convinced that that there is no way of identifying John Doe through an IP address other than obtaining ISP subscriber information—Plaintiff has presented nothing but argument suggesting that it is so.”<sup>1</sup> Plaintiff maintains its contention that it is factually *impossible* to identify a John Doe through an IP address without obtaining ISP subscriber information; as such, Plaintiff now dismisses this action without prejudice in order to avoid the futility of attempting to litigate these cases under such circumstances.

<sup>1</sup> *AF Holdings v. Doe*, No. 2:12-cv-06637-ODW-JC (C.D. Cal. January 25, 2013), Order Dismissing Case (ECF No. 21.)

1 In accordance with Federal Rule of Civil Procedure 41(a)(1), Defendant has neither filed an  
2 answer to Plaintiff's Complaint, nor a motion for summary judgment. Dismissal under Federal Rule  
3 of Civil Procedure 41(a)(1) is therefore appropriate.  
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6 Respectfully Submitted,  
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8 **DATED: January 28, 2013**

9 By: /s/ Brett L. Gibbs, Esq.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on January 28, 2013, all individuals of record who are deemed to have consented to electronic service are being served a true and correct copy of the foregoing document, and all attachments and related documents, using the Court's ECF system.

/s/ Brett L. Gibbs  
Brett L. Gibbs, Esq.